

Dear Mayor Pro Tem Brewster McCracken:

E-mail: Brewster.McCracken

Late Backup

This letter is in reference to Case No.: C14-2008-0171 at 4315 Airport Blvd. titled "Project Destiny".

I was unable to participate in the Planning Commission hearing and the 1st reading to bring forward my concerns with changing the zoning on this property from SF3 to NO/MU. Please accept my apology for this late submittal.

As a resident who resides within 250 feet of 4315 Airport I am concerned that the approvals of this zoning change to the land will cause a long term **negative impacts to our neighborhood of 189 homes**. By changing the use of this land to NO/MU it will create or result in future homes along Airport Blvd being pursued as neighborhood offices. If this neighborhood would have originally been plated and designed to handle this type of business and traffic impacts then I would support this approach. I fear that homes along Airport **will begin to transition to Neighborhood Offices and** that will bring about an impact to adjoining neighbors, increase traffic within residential street, create safety hazard for children due to traffic flow within the neighborhood.

The deed and the sale of this property to Brian were originally set out as SF3. While Brian has the right to operate his law firm from this second home which he owns. I am concerned that his intention to rezone this property is causing the neighborhood to enter into a private restrictive covenant for this property that could require future litigation and places a burden on our Neighborhood Association and future Officers to police and monitor this property if and when it is sold with NO/MU zoning.

The span of three years has brought about new neighbor's who are now living within the 200 feet of the property and I am **understanding that they are considering** a petition because not having a timeline has caused them concern and **questioning if the neighborhood association is looking after their best** interest. If I was within the 200 feet I would also sign the petition not supporting this zoning change.

Allowing this to move forward will only benefit Brian and not the Delwood II community at large.

I appreciate your time and the guidance that the Council brings to Austin and to neighborhoods such as ours.

Respectfully,

Ken Ronsonette

Ronsonette@grandecom.net

CC: JoI.harden@ci.austin.tx.us

Council Executive: [Rossana Barrios](#)

Harden, Joi

From: Brian Guequierre [boglaw@gmail.com]
 Sent: Wednesday, January 14, 2009 1:08 PM
 To: Harden, Joi
 Subject: copy of email to city council with added attached pics...
 Attachments: IMG_0171.JPG; IMG_0172.JPG; IMG_0175.JPG; IMG_0182.JPG

Dear Mayor and Council, I am the property owner, Brian Guequierre, a consumer-protection attorney who came before you in December initially with this request. By way of review, I live in the neighborhood, work with and have represented some of the neighbors, and have been practicing out of this space for over four years. The neighborhood has voted overwhelming in favor of the amendment change multiple times, and many of my neighbors showed up to speak in support or sent in emails in support at the last meetings. There were only a couple people, to my initial knowledge, in opposition to the change, one of whom, Mr. John Lay, does not live in the neighborhood, and has not for decades, and technically doesn't even own the property, his mother does. He is the lone individual who showed up in opposition at the last meeting, when ya'll voted 5-2 in favor of passing the first reading. Since that time, he put together a petition, and my understanding is that some of the things represented to the petitioners were not altogether true or accurate, and as a result at least one of the petitioners has removed her name from the petition, Ms. Elizabeth Hayden, who came to me and told me she supports the zoning change, and submitted a signed, written request to remove her name from the petition today. As many as two of the other four signatories have indicated they may be removing their names as well, but either way I understand that now the petition should be invalid and a simple majority vote in favor should allow me to put up a sign. I am asking for your support. I live in the neighborhood, often walk to work, represent people from the neighborhood, and have worked with people from the neighborhood. The people I have worked with and continue to work with are 1099 independent contractors, not paid employees, who provide their own computers for research and control their own hours and location of work, either here or at home. My brother has resided off and on in the residential room in the back of the office, and when he's not there we use it as a guest room, as it has its own bathroom. As such, it is my understanding that my use of the property has been and is in compliance with the existing SF3 zoning. I seek no change in use whatsoever in my practice or the structure of the building, only the ability to put up a sign, which I can't do under SF3. The vast majority of my neighbors support this zoning change, and know I am a good neighbor and asset to the community, keeping my properties up and coaching the neighborhood kids for the last 4 years in the local city soccer league at Hancock. Many of them visit my office almost daily in warmer weather to feed veggie-scraps to our mascot, my 80-lb african spurred tortoise who lives in the backyard with a heated house, and won't come out when it's cold. My house and my office are my only assets, and my wife stays home to raise our 3 small children, only one of whom is school-aged. I have grown my practice without advertising, care tremendously about the neighborhood, and have no interest in moving or selling my practice or my office at any time, as the kind of practice I have depends on word-of-mouth referrals and constancy. I am sending Joi Harden, the staff representative in this case, some pictures of the property that I hope she will forward to you, since I see no mechanism to attach pictures to this email through your website. You will see that the other property on the corner of Airport and Rowood is and has always been a church, with a sign, and has never been residential. Three houses east of my office is the fire station, directly across from there on Airport is a commercial rental operation, and in fact, since Airport Blvd. is a major arterial road with over 40,000 vehicles a day in traffic, this single block of Airport with approximately two-dozen houses is the only section of the entire state-highway zoned residential. Existing codes today would not support residential zoning on a major arterial road. The shot of the alley, behind the office, shows the 6-story apartments which have gone up as part of the Mueller redevelopment plan, and the alley allows pedestrian access to the bike-and-bike trails. Clearly me putting up a small NO-zoned sign, with the limited scope of such a sign, one that will be approved by the neighborhood, will have no noticeable impact on the nature of our mixed-use neighborhood. You will also notice from the pictures, and the maps already in hand, that my property is wholly unique in that all the other properties along Airport rely on alley-access to the driveway and have no street-side parking, whereas I have over a hundred feet of street-side parking on Rowood, a fact which city-staff has assured me would make it immensely more difficult for any other property owners along Airport to request similar changes, and should allay the concerns expressed by Mr. Lay that this section of Airport Blvd. will become 'another Koenig Lane'. My existing use of the property, and proposed use, are both within the Upper-Boggy Creek's vision of development & redevelopment within the neighborhood and along commercial corridors as set forth in the staff report already. It is my understanding that staff would like to recommend support for this change but cannot due to a 1987 resolution prohibiting staff recommendations in contradiction of existing deed restrictions. The deed restrictions on my property from the forties include thankfully unenforceable whites-only language that is so jarringly offensive that it underscores how much the neighborhood, and the city, have changed over the last half-century. All of my neighbors on Airport support the proposition, and appreciate the fact that I am here during the day keeping an eye on things. The only neighbor I actually share a property line with, Mr. Rick Fielder, has me as his contact person for his alarm and has given me the key to his house. He told me he was robbed four separate times during the day before I moved in over the last 15 years, but not once since. My family, my co-workers and I are all committed to humanitarian and environmental ideals that have led to the choices we've made to live and work in small, older houses on the east-side of central Austin, doing the kind of work that helps individuals and does not make a lot of money. I believe these ideals are good for the city and shared by the Mayor and the Council. I ask once more for your support, and apologize for taking up so much of your time, and thank you again for that time, and your consideration of my proposal. Yours truly,

Brian Guequierre

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1/14/2009







